

DEC 20 2024

UNITED STATES DISTRICT COURT

for the

Western District of North CarolinaCivil DivisionUS DISTRICT COURT
WESTERN DISTRICT OF NCCase No. 3:24-cv-1107-KDB

(to be filled in by the Clerk's Office)

Global Existence Foundation ^{Nicole}
% Abrams-Kelly

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☐ Yes ☐ NoNISSAN Corporation of North America
CoEICO Insurance Company
Modern Nissan of Lenoir

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Nicole Abrams-Kelly</u>
Street Address	<u>9932 Janeiro Drive</u>
City and County	<u>Newttersville Mecklenburg</u>
State and Zip Code	<u>North Carolina 28078</u>
Telephone Number	
E-mail Address	<u>NicoleAbramsKelly@outlook.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name Amanda Yett
Job or Title (if known) NISSAN Arbitration Attorney
Street Address PO Box 685003
City and County Franklin
State and Zip Code TN 37068-5003
Telephone Number (800) 647-7261 (M) (615) 725-7851
E-mail Address (if known) amanda.yett@nissan-usa.com

Defendant No. 2

Name GEICO Insurance Corporation
Job or Title (if known) Legal Department - Arbitration
Street Address 5260 Western Avenue
City and County Cherry Chase
State and Zip Code Maryland 20815
Telephone Number (757) 222-6821
E-mail Address (if known) FAX (703) 738-2194 / MaNielsen@geico.com

Defendant No. 3

Name Modern Automotive Network - Michael Feiereisel
Job or Title (if known) Modern Nissan of LKN
Street Address 3901 Westpoint Blvd.
City and County Winston-Salem
State and Zip Code North Carolina 27103
Telephone Number (336) 448-2977
E-mail Address (if known) MFeiereisel@modernauto.com

Defendant No. 4

Name _____
Job or Title (if known) _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case. *Federal DOT Safety regulations violations in lieu of Takata airbags failure and multiple vehicle inspection failures to conclude the vehicle to be a "lemon". A inoperable vehicle to be refunded or replaced by manufacturer. Subpart K - Pattern or Practice of Safety Violations by Motor Carrier Mgmt. (79 FR 3537 rev. 01/22/2014) 49 U.S.C. 13902, 49 CFR part 365 and 49 CFR part 368.*

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Nicole Abrams-Kelly, is a citizen of the State of (name) North Carolina.

b. If the plaintiff is a corporation

The plaintiff, (name) Global Existence Foundation is incorporated under the laws of the State of (name) North Carolina, and has its principal place of business in the State of (name) North Carolina.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) Michael Feieresel, is a citizen of the State of (name) North Carolina. Or is a citizen of (foreign nation) US.

b. If the defendant is a corporation

The defendant, (name) Modern Automotive Network is incorporated under the laws of the State of (name) North Carolina, and has its principal place of business in the State of (name) North Carolina.
Or is incorporated under the laws of (foreign nation) France (Renault Group) and has its principal place of business in (name) Boulogne-Billancourt, France

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

NISSAN Vehicle (Lemon Filing) NIS1525131. Lemon Arbitration Rules, vehicle was purchased "new" and was found to have multiple system problems in addition to Takata airbag/SRS/Seat belt "failures". Replacement or refund for salvaged vehicle requested.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

IV. Relief

NHTSA Letter - Office of Defects Investigation. FTC Letter Ref # 71206900, Automotive dealer business practices & rip-offs (Nissan of LKN)

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Cause of action amended for NC Lemon Law Arbitration Filing NIS 1525131; since the vehicle was salvaged by dealership in October 2018. Award of Refund or replacement vehicle including all remedies specifically provided by law and the award of the insurance repairs since the vehicle could not be repaired by GEICO despite their warranty, 16 CVM 28585, GEICO Insurance refund in excess of \$3,762.51 (2016).

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12/19/2024

Signature of Plaintiff

Printed Name of Plaintiff


Nicole Abrams-Kelly

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

